

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JULIE A SOLER AMOR,

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,

Defendant.

3:14-cv-01526-TC
ORDER

MCSHANE, Judge:

Magistrate Judge Thomas M. Coffin filed a Findings and Recommendation (ECF No. 26), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff filed objections to the Findings and Recommendation. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). I find no error and conclude the report is correct.

1 –ORDER

Plaintiff's due process arguments are poorly taken. Plaintiff received appropriate process in the administrative hearings. That process included: the opportunity to be represented by an attorney of her choosing; the opportunity to present evidence in support of her claim; the opportunity to testify at a hearing before an administrative law judge; and the opportunity to appeal any adverse decision. As noted by Judge Coffin, under the circumstances present here, the regulations do not permit this Court to reopen the record.

Plaintiff argues that "Had the Magistrate found that the AC's failure to make the supplemental medical information submitted to it part of the record on review was erroneous, he would not have been able to conclude that the ALJ's credibility finding was valid." Pl.'s Obj. 11. I disagree. The ALJ found plaintiff not credible in part because, despite alleging disability as of 2003, plaintiff worked as late as January 1, 2010, and left that work for reasons other than her impairments. Those are both valid reasons for finding Amor less-than credible. *See Gartzke v. Colvin*, 2015 WL 5178709 at *n.7 (D. Or. 2015) (continuing to work after an alleged onset date is a clear and convincing reason for finding a claimant not credible); *Bruton v. Massanari*, 268 F.3d 824, 828 (9th Cir. 2001) (ALJ may point to the fact that a claimant left work for reasons unrelated to impairments in finding claimant not credible).

Magistrate Judge Coffin's Findings and Recommendation (ECF No. 26) is adopted in full. The Commissioner's decision is AFFIRMED.

IT IS SO ORDERED.

DATED this 11th day of February, 2016.

/s/ Michael J. McShane
Michael McShane
United States District Judge